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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,321	10/29/2003	Steven Ochs	2003-053-TAP	6542

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BROOKS KUSHMAN P.C. / SUN / STK  
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SOUTHFIELD, MI 48075-1238

EXAMINER
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OLSON, JASON C

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/696,321

**Applicant(s)**

OCHS ET AL.

**Examiner**

Jason C. Olson

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 12-24 is/are rejected.
- 7) ☒ Claim(s) 1-5, 7-11 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 12-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 9 recites the limitation, “the commands being issued according to a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray function.”, in lines 3-5. The “common protocol” as defined in the claim is not described in the specification. In regards to a protocol, the specification merely states, “Additionally, the intelligent tape drive tray controller may be used to facilitate library interface and data path protocol conversions, wherein the drive tray controllers handles control of the interaction among the functional units”, see page 12, 3<sup>rd</sup> paragraph. Therefore, the limitation of, “a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray function” is considered new matter.

Claim 12 recites the limitation, “the commands being issued according to a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray functions;”, in lines 11-12. The “common protocol” as defined in the

claim is not described in the specification. In regards to a protocol, the specification merely states, “Additionally, the intelligent tape drive tray controller may be used to facilitate library interface and data path protocol conversions, wherein the drive tray controllers handles control of the interaction among the functional units”, see page 12, 3<sup>rd</sup> paragraph. Therefore, the limitation of, “a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray functions” is considered new matter.

Claim 16 recites the limitation, “the same command according to the same common protocol to the at least two intelligence modules such that the at least two intelligence modules convert the same command differently to control the same tape drive tray functions.”, in lines 2-4. The “common protocol” as defined in the claim is not described in the specification. In regards to a protocol, the specification merely states, “Additionally, the intelligent tape drive tray controller may be used to facilitate library interface and data path protocol conversions, wherein the drive tray controllers handles control of the interaction among the functional units”, see page 12, 3<sup>rd</sup> paragraph. Therefore, the limitation of, “a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray functions” is considered new matter.

Claim 23 recites the limitation, “the commands being issued according to a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray functions;”, in lines 11-12. The “common protocol” as defined in the claim is not described in the specification. In regards to a protocol, the specification merely states, “Additionally, the intelligent tape drive tray controller may be used to facilitate library interface and data path protocol conversions, wherein the drive tray controllers handles control of

the interaction among the functional units”, see page 12, 3<sup>rd</sup> paragraph. Therefore, the limitation of, “a common protocol such that at least two of the tape drive trays convert the commands differently to control the same tape drive tray functions” is considered new matter.

***Allowable Subject Matter***

Claims 1-5, 7-11, and 25 are allowable over the prior art of record. Regarding claim 1, the prior art of record fails to teach alone or in combination: an intelligence module having electronics to control and monitor tape drive tray functions in the storage library, including electronics to control and monitor the tape drive, power supply, fan, temperature sensor, and fault indicator light; and a main library controller interfaced to the intelligence module, wherein the intelligence module sends tape drive tray function data to the main library controller for use by the main library controller in commanding operations of the at least one tape drive tray, wherein, in response to receipt of the tape drive tray function data, the main library controller transmits a command to the intelligence module that the intelligence module decodes for use in controlling the at least one tape drive tray, including controlling the tape drive, power supply, fan, and fault indicator light. Regarding claim 25, the prior art of record fails to teach alone or in combination using the stationary intelligence module to drive discrete signal lines to a state as specified in the control data; periodically, with a loopback feature included within the tape drive tray, looping at least a portion of the control data back to the main library controller; and the main library controller to verifying integrity of at least one communication line used by the main library controller to communicate with the at least one tape drive based on the looped backed portion of the control data.

***Response to Arguments***

Applicant's arguments with respect to claims 9 and 12-24 have been considered but are moot in view of the new ground(s) of rejection. Claims 9 and 12-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Callaghan et al. (US 5,769,705), is cited for controlled enclosure for temperature sensitive equipment.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571)272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JASON OLSON  
PATENT EXAMINER 1/14/08